

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

AUTHOR J. MANNING,

Plaintiff,

v.

USDA RURAL AREA  
DEVELOPMENT,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:24-cv-72-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Author J. Manning, Jr., proceeding pro se, initiated this lawsuit in Texas state court. Docket No. 2. Defendant USDA Rural Area Development removed the case on March 1, 2024. Docket No. 1. The Court remanded to state court on January 15, 2025. Docket No. 27. Nevertheless, Plaintiff filed a motion for temporary restraining order in this Court on April 21, 2025. Docket No. 31. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On July 22, 2025, Judge Mitchell issued a Report recommending that the Court deny the motion because the Court lacks jurisdiction over the case. Docket No. 35. No objections have been received.


The Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 35) as the findings of this Court, and this **DENIES** Plaintiff's motion for temporary restraining order (Docket No. 31).

So **ORDERED** and **SIGNED** this **14th** day of **August, 2025**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE